

Remarks

Claims 2-28 are pending in the present application. In this amendment, claim 1 is replaced with claim 28 and independent claims 12 and 21 are amended. Other claims are amended to reflect changes in their base claim. In view of these amendments and remarks, Applicant respectfully requests reconsideration and allowance of the pending application.

Claims 1-27 have been rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Wong *et al.* (2002/0253551) in combination with Lee *et al.* (5,918,135). Applicant respectfully traverses the Examiner's rejections.

Claim 28, which replaces claim 1, specifically recites "patterning the insulating layer to form a plurality of trenches, each trench including substantially vertical sidewalls and each trench in the MIMCap region having substantially equal height and width dimensions as each trench in the wiring region." It is respectfully submitted that neither Wong nor Lee teach or suggest trenches with substantially vertical sidewalls where each trench in the MIMCap region has substantially equal height and width dimensions as each trench in the wiring region.

The Examiner, admitting that Wong does not teach trenches having equal dimensions, turns to Lee for this feature. But Lee does not teach or suggest patterning an insulating layer to form trenches having equal dimensions, as recited in claim 28. Since contact hole 118 is formed in a separate step (see Lee, Figure 6) than second contact hole 124 (see Lee, Figure 8), the two contact holes 118 and 124 have a different shape, i.e., do not have substantially equal height and width dimensions. Further, neither contact hole 118 nor 124 has substantially vertical sidewalls as required by claim 28.

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Therefore, combining Wong with Lee, as the Examiner suggests, does not teach or suggest the limitations of claim 28. Applicant respectfully asserts that claim 1 stands allowable over the references of record.

Claims 2-11 depend from claim 28 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding further limitations.

Claim 12, as amended, specifically recites, "patterning the inter-level dielectric to form a plurality of trenches, . . . wherein the trenches in the first region and the trenches in the second region have substantially vertical sidewalls and equal height and width dimensions." As discussed above, neither Wong nor Lee teach or suggest trenches in a first region and trenches in a second region that have substantially vertical sidewalls and equal height and width dimensions. Therefore, it is respectfully submitted that claim 12 is allowable over the references of record.

Claims 13-20 depend from claim 12 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding further limitations.

Regarding claim 21, neither Wong nor Lee teach or suggest, "forming a first trench and a second trench in an insulating layer, the first trench and second trench having substantially vertical sidewalls and substantially equal height and width dimensions." As discussed above, neither Wong nor Lee teach or suggest a first trench and a second trench having substantially vertical sidewalls and substantially equal height and width dimensions as required by claim 21. Therefore, it is respectfully submitted that claim 21 is allowable over the references of record.

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Claims 22-27 depend from claim 21 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding further limitations.

In conclusion, Applicant respectfully requests that the Examiner allow claims 2-28, and pass the present patent application to issuance. If the Examiner should have any questions or feel that a discussion would advance the prosecution, Applicant invites the Examiner to contact Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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